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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,401	03/01/2004	Feng-Fu Lin	ALIP0038USA	2400
27765	7590	04/12/2005	EXAMINER	
NORTH AMERICA INTERNATIONAL PATENT OFFICE (NAIPC)				CHAPMAN JR, JOHN E
P.O. BOX 506				ART UNIT
MERRIFIELD, VA 22116				PAPER NUMBER
				2856

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/708,401	LIN ET AL.
	Examiner	Art Unit
	John E. Chapman	2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 March 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-4 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-4 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Okazaki et al.

Okazaki et al. disclose a method for detecting an unbalanced disc 105 wherein the speed is set to the resonant frequency of the tracking actuator in the lens assembly 200, which actuator comprises a coil (col. 4, line 59). Vibration caused by the unbalanced disc 105 is detected and compared with a predetermined vibration value (threshold value) to determine if the vibration is within the vibration value limit. See, for example, column 10, lines 7-16. The vibration detect signal comprises a central error (CE) signal in that it indicates deviation of a laser spot 605 from a central position, as indicated in Figures 6A-6C.

The claims do not appear to preclude the use of a tracking error (TE) as a correction to the vibration detect signal, i.e., the central error (CE) signal. However, to the extent that the claims do preclude the use of a tracking error (TE) as a correction to the central error (CE) signal, it is well established that the omission of an element along with its function, where the

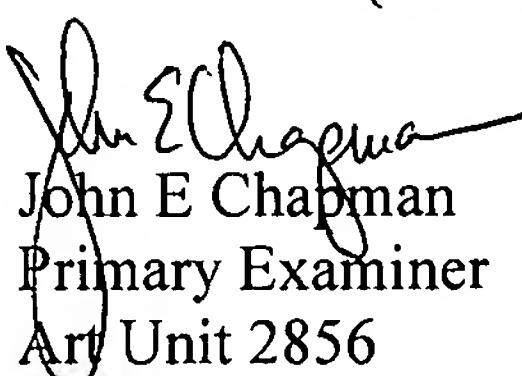
remaining elements perform the same functions as before, involves only routine skill in the art.

See *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975); and *In re Karlson*, 311 F.2d 581, 136 USPQ 184 (CCPA 1963). Accordingly, merely to eliminate the TE signal from the vibration detect signal, along with its function of correcting the vibration detect signal for a tracking error, would have been obvious to one having ordinary skill in the art.

4. Applicant's arguments filed March 21, 2005 have been fully considered but they are not persuasive. Applicant argues that teachings of Okazaki et al. do not anticipate the present invention because Okazaki et al. does not determine if the optical disc is an unbalanced disc according to the central error (CE) signal. However, Okazaki et al. discloses a vibration detect signal that comprises a central error (CE) signal. While Okazaki et al. teaches that a tracking error signal TE may be subtracted from the vibration detect signal in order to provide a more accurate detection (column 11, lines 11-16), it is clear that subtracting the tracking error signal is merely provided as an error correction to the vibration detect signal, i.e., the central error (CE) signal. The vibration detect signal is still a vibration detect signal, despite being corrected for the tracking error (TE). See column 12, lines 27-34. Hence, the vibration detect signal is still a central error (CE) signal, despite being corrected for the tracking error (TE). The corrected vibration detect signal is still a vibration detect signal, i.e., a central error (CE) signal. While applicant argues that the present invention uses only the CE signal and does not use the tracking error (TE), the claims fail to preclude the use of a tracking error (TE) as a correction to the vibration detect signal, i.e., the central error (CE) signal.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John E. Chapman whose telephone number is (571) 272-2191. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John E Chapman
Primary Examiner
Art Unit 2856